

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPLN.NO.1166 OF 2006

Ramesh Bedy Kale @
Ramesh Rimkya Bedy & Anr. ..Applicant

Vs.

State of Maharashtra ..Respondents

...
Mr.Nasren Ayubi counsel for Applicant
Mr.A.S.Shitole A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : MARCH 13, 2007

P.C.

1. This application is preferred through jail. The counsel appointed for the applicant is not present. Hence, Smt.Nasren Ayubi is appointed as counsel for the applicant. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant has been convicted in Sessions Case No.89 of 2003 by judgment and order dated 13.5.2005 passed by the learned IInd Addl. Sessions Judge Baramati. He has also been convicted in Sessions Case No. 53 of 2002 by the

learned Ist Adhoc Addl. Sessions Judge, Pandharpur by judgment and order dated 31.8.2004. The applicant is praying that both the sentences be directed to run concurrently.

3. As far as the incident pertaining to Sessions Case No. 89 of 2003 is concerned, it occurred on 17.11.2001 in village Gojubavi, Kadam Wasti in Baramati. In the said case, the complainant is Dagdu Sambhaji Kadam (P.W.15). In the night between 17.11.2001 and 18.11.2001, two persons armed with sticks and axe came to the room where the complainant was sleeping with his family. The complainant and his family were robbed by them at the point of dangerous weapons. The applicant is one of the said persons. As far as Sessions Case No. 53 of 2002 is concerned, dacoity took place in the house of P.W. 17 Girish Patil in his bungalow at Pandharpur on 14.11.2001. The applicant was one of the accused in the said case.

4. The two incidents have taken place on different dates at different places. C.Rs. have been registered in relation to these incidents at different Police Stations. These incidents are not

part of the same transaction. These two incidents are tried by two different Sessions Courts. Looking to these facts and in view of the decision of the Supreme Court in the case of **Mohd. Akhtar Hussain Vs. Asstt. Collector of Customs (1988) 4 SCC 183**, the sentences cannot be directed to run concurrently.

5. Application is rejected.

[V.K.Tahilramani, J.]